



THE CITY OF NEW YORK
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May 24, 2021

By ECF

Honorable Colleen McMahon
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Extension granted.
Conference adjourned to
7/18/2021 @ 11:45 a.m.

Re: *A.S. and D.S.I., on behalf of themselves and their minor child, D.S. v. New York City Department of Education, New York City Board of Education, and Chancellor Richard Carranza in his Official Capacity*, 21-CV-00867 (CM)(JLC)

5/25/2021

Dear Judge McMahon:

MEMO ENDORSED

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, and assigned to represent defendants New York City Department of Education (DOE), New York City Board of Education, and former DOE Chancellor Richard Carranza (together, the “Defendants”) in the above referenced action. I write to respectfully request an extension of Defendants’ time, nunc pro tunc, to respond to the Complaint, and a 30-day adjournment of the initial conference scheduled for May 26, 2021 at 10:30 a.m.. See Dkt No. 15. This is Defendants’ third request for an extension of time to respond to the Complaint, and first request to adjourn the initial conference. Plaintiffs’ counsel, Erin O’Connor, consents to both requests.

Defendants were served with the Complaint on February 5, 2021. Since the Complaint was filed, I have investigated Plaintiffs’ allegations concerning minor student D.S.’s educational program and related services and updated Plaintiffs’ counsel on the results of such, and asked Plaintiffs’ counsel to provide me with their timesheets so that I can evaluate their fees demand and request authority to settle their claims for fees in connection with the underlying administrative hearings and the instant action. I was in contact with Plaintiffs’ counsel today and we agreed that she will provide me with the timesheets for my review and the parties will attempt to resolve this matter within the next 30 days.

The Court previously granted Defendants' two extensions of their time to respond to the Complaint, most recently, until April 28, 2021. However, I failed to file an answer by this date. I mistakenly believed that I had done so. I apologize to the Court and Plaintiff's counsel for this oversight. My division is very short staffed and we are spread very thin – and I mistakenly failed to calendar this deadline. Again, I apologize. It will not happen again.

As the parties are hopeful that we will be able to resolve this case within the next 30 days, Defendants respectfully request an adjournment of the May 26, 2021 initial conference by 30 days: to June 25, 2021 or another later date that is convenient to the Court.

Accordingly, on behalf of Defendants, I respectfully request an extension until June 24 to answer the Complaint. This is Defendants' final request for such an extension.

Thank you for your consideration.

Respectfully submitted,

s/
Carolyn E. Kruk
Assistant Corporation Counsel

cc. **by ECF**

Erin O'Connor
Plaintiffs' counsel